

Las Vegas Office:  
2300 McLeod Street  
Las Vegas NV 89104-4314  
(702) 668-4590  
Fax (702) 668-4567



Elko Office:  
4780 E. Idaho Street  
Elko NV 89801-4672  
(775) 738-8076  
Fax (775) 738-2639

## DEPARTMENT OF AGRICULTURE

405 South 21<sup>st</sup> Street  
Sparks, Nevada 89431-5557  
Telephone (775) 353-3601 Fax (775) 353-3661  
Website: <http://www.agri.nv.gov>

### NOTICE OF INTENT TO ACT UPON A REGULATION

#### Notice of Hearing for the Amendment of Regulations of the Nevada Department of Agriculture

The Nevada Department of Agriculture will hold a public hearing on Monday, December 23, 2013, at 1:00pm at Agriculture Headquarters, 405 South 21<sup>st</sup> Street, Sparks, NV 89431; Phone: (775) 353-3601. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 586 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 586.011; *a regulation relating to pesticides; increasing the amount of the annual fee to register a pesticide set aside for specific uses; and providing other matters properly relating thereto.*

A previously approved regulation to increase this fee increased the fee but neglected to increase the set aside. This proposed regulation change would correct that oversight and increase the allowed set aside from \$15 per registration to \$40 per registration. This is a technical adjustment, NOT an additional fee increase.

#### NAC 586.011

1. Each registrant must pay an annual registration fee of \$125 for each pesticide registered.
2. The Director will deposit, in a separate account, ~~[\$15]~~ \$40 of each annual registration fee collected pursuant to subsection 1. The money in the account will be used to:
  - (a) Monitor and dispose of pesticides;
  - (b) Protect groundwater and surface water from contamination by pesticides; and
  - (c) Eradicate and control noxious weeds.

The purpose of or need for the regulation is to make available additional funds to monitor or dispose of pesticides, protect ground and surface water from contamination, and to eradicate and control noxious weeds.

The estimated economic effect of the regulation on businesses which it is to regulate and on the public are as follows:

- a) Adverse Effects: There is no adverse effect on the public.
- b) Beneficial effects: The public will benefit from an increase of departmental activities as they relate to pesticides (monitoring, disposal and ground water protection) and noxious weeds control.

There is no impact on small businesses from this regulation change. The Department determined that the regulation lacks a direct and significant burden or restriction on formation of small businesses because by virtue of the terms of the regulation it merely redirects funds already being collected.

There will be no additional cost to the Nevada Department of Agriculture for enforcement of the proposed regulation.

The proposed regulation will not overlap or duplicate any regulations set by federal, state or local governmental agencies.

The proposed regulation is not required by federal law.

The proposed regulation does not include any provisions more stringent than a federal regulation that regulates the same activity.

The proposed regulation does not increase an existing fee.

The LCB approved revision can be found on the Nevada Department of Agriculture website at [www.agri.nv.gov](http://www.agri.nv.gov).

Persons wishing to comment upon the proposed action of the Nevada Department of Agriculture may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the address below.

**Nevada Department of Agriculture  
405 S. 21<sup>st</sup> Street  
Sparks, NV 89431  
ATTN: Dawn Rafferty  
(775) 353-3669  
[rafferty@agri.nv.gov](mailto:rafferty@agri.nv.gov)**

Written submissions must be received by the Nevada Department of Agriculture on or before December 23, 2013. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Agriculture may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at:

Nevada Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, NV 89431

Nevada Department of Agriculture  
2300 McLeod  
Las Vegas, NV 89104

Nevada Department of Agriculture  
4780 E. Idaho Street  
Elko, NV 89445

Nevada Department of Agriculture  
2150 Frazer Street  
Sparks, NV 89431

and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

NRS 233B.064(2) provides: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

**The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Sparks, , Las Vegas or Elko during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.**

Churchill County Library 553 South Maine Street Fallon, NV 89406	Clark County District Library 833 Las Vegas Boulevard North Las Vegas, NV 89101	Elko County Library 720 Court Street Elko, NV 89801
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Esmeralda County Library Corner of Crook & 4 <sup>th</sup> Streets Goldfield, NV 89013	Eureka Branch Library P.O. Box 293 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 <sup>th</sup> Street Winnemucca, NV 89445
Lincoln County Library 63 Main Street Pioche, NV 89043	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library 110 1 <sup>st</sup> Street Hawthorne, NV 89415
Nevada Farm Bureau Federation 2165 Green Vista Drive, Suite 205 Sparks, NV 89431	Tonopah Public Library 167 Central Street Tonopah, NV 89049	Pershing County Library 1125 Central Avenue Lovelock, NV 89419
Storey County Public Library 95 South R Street Virginia City, NV 89440	Washoe County Library 301 South Center Street Reno, NV 89501	White Pine County Library 950 Campton Street Ely, NV 89301
Lander County Library 625 South Broad Street Battle Mountain, NV 89820	Carson City Library 900 N. Roop Street Carson City, NV 89702	Douglas County Library 1625 Library Lane Minden, NV 89423
State Library 100 North Stewart Street Carson City, NV 89701-4285	Smith Valley Library 22 Day Lane Smith, NV 89430	Las Vegas Review Journal Ed Vogel/Capital Bureau 102 N. Curry Street Carson City, NV 89703

BRIAN SANDOVAL  
Governor

STATE OF NEVADA

JAMES R. BARBEE  
Director

Las Vegas Office:  
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Elko Office:  
4780 E. Idaho Street  
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## MEMORANDUM

TO: Nevada Department of Agriculture Offices  
State Capitol Building  
State Library and Archives  
Dennis Belcourt – AG's Office

FROM: Dawn Rafferty, Plant Industry Division Administrator – 775-353-3669  
[rafferty@agri.nv.gov](mailto:rafferty@agri.nv.gov) Fax Number 775-353-3661

SUBJECT: Posting of Agenda for Hearing for Notice of Intent to Act Upon a Regulation Scheduled for Monday,  
December 23, 2013, 1pm

DATE: November 19, 2013

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I have attached a copy of the agenda for the Nevada Department of Agriculture for Notice of Intent to Act Upon a Regulation that will be held on Monday, December 23, 2013 at 1 pm.

Please post the agenda before 9:00am on Wednesday, December 18, 2013, per open meeting law and return this memo to my attention, signed with the date of posting, as I need this for our files.

We appreciate your assistance in this posting.

Thank you.

Distribution: State Capitol Building  
State Library and Archives  
Dennis Belcourt – AG's Office  
Sparks Office – Nevada Department of Agriculture  
Las Vegas Office – Nevada Department of Agriculture  
Elko Office – Nevada Department of Agriculture  
Consumer Equitability – Department of Agriculture

OFFICE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE & TIME OF POST: \_\_\_\_\_

## MEETING NOTICE AND AGENDA

Public Hearing  
Notice of Hearing

LOCATION: Nevada Department of Agriculture  
405 S. 21<sup>st</sup> Street  
Sparks, NV 89431  
Phone: 775-353-3601

Video-conference to: Nevada Department of Agriculture  
2300 McLeod Street  
Las Vegas, NV 89104  
Phone 702-668-4590

DATE AND TIME: Monday, December 23, 2013, at 1pm

Public comment will be taken on the intent to adopt a regulation. The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 586.011; *a regulation relating to pesticides; increasing the amount of the annual fee to register a pesticide set aside for specific uses; and providing other matters properly relating thereto.*

A previously approved regulation to increase this fee increased the fee but neglected to increase the set aside. This proposed regulation change would correct that oversight and increase the allowed set aside from \$15 per registration to \$40 per registration. This is a technical correction, NOT an additional fee increase.

**Section 1.** NAC 586.011 is hereby amended to read as follows:

586.011 1. Each registrant must pay an annual registration fee of \$125 for each pesticide registered.

2. The Director will deposit, in a separate account, ~~[\$15]~~ \$40 of each annual registration fee collected pursuant to subsection 1. The money in the account will be used to:

- (a) Monitor and dispose of pesticides;
- (b) Protect groundwater and surface water from contamination by pesticides; and
- (c) Eradicate and control noxious weeds.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify The Dept. of Agriculture in writing at 405 S. 21<sup>st</sup> Street, Sparks, NV 89431 or contact Gina Breslow at 775-353-3619.

Copies of both the State of Nevada Board of Agriculture Agenda with supporting documentation and Open Meeting Minutes are available, at no charge, for inspection at the Dept. of Agriculture 405 S. 21<sup>st</sup> Street, Sparks, NV, 89431 or Dept. of Agriculture website at [www.agri.state.nv.us](http://www.agri.state.nv.us). For additional information contact Gina Breslow at 775-353-3619.

Notice of this meeting was posted on or before 9:00 a.m. on the third working day before the meeting at the following locations: Nevada Department of Agriculture, 405 S. 21<sup>st</sup> Street, Sparks, NV 89431, Nevada Department of Agriculture, 2150 Frazer Ave., Sparks, NV 89431, Nevada Department of Agriculture, 4780 E. Idaho Street, Elko, NV 89801, Nevada Department of Agriculture, 2300 McLeod Street, Las Vegas, NV 89104, State of Nevada Capital Building, Carson City NV, State Library and Archives, Carson City